

# Senate Study Bill 1116

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
NATURAL RESOURCES BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to solid waste tonnage fees and making a penalty  
2 applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 1260DP 83  
5 tm/nh/8

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1 1 Section 1. Section 455B.301, Code 2009, is amended by  
1 2 adding the following new subsection:  
1 3 NEW SUBSECTION. 10A. "Industrial solid waste" means the  
1 4 same as defined in 40 C.F.R. } 258.2, as amended.  
1 5 Sec. 2. Section 455B.310, subsection 1, Code 2009, is  
1 6 amended to read as follows:  
1 7 1. Except as provided in subsection 5, the operator of a  
1 8 sanitary landfill shall pay a tonnage fee to the department  
1 9 for each ton ~~or equivalent volume~~ of solid waste received and  
1 10 disposed of at the sanitary landfill during the preceding  
1 11 reporting period. ~~The department shall determine by rule the~~  
~~1 12 volume which is equivalent to a ton of waste. In addition,~~  
~~1 13 the operator of a transfer station shall pay a tonnage fee to~~  
~~1 14 the department for each ton of solid waste received at the~~  
~~1 15 transfer station during the preceding reporting period that is~~  
~~1 16 ultimately disposed of at a sanitary landfill not required to~~  
~~1 17 pay a tonnage fee under this subsection. Tonnage fees shall~~  
~~1 18 be paid in the manner provided in subsection 7 and shall not~~  
~~1 19 be applied to the same solid waste more than once.~~  
1 20 Sec. 3. Section 455B.310, subsection 4, paragraph d, Code  
1 21 2009, is amended to read as follows:  
1 22 d. Each sanitary landfill ~~owner or operator or transfer~~  
~~1 23 station operator required to pay a tonnage fee under~~  
~~1 24 subsection 1~~ shall submit a return to the department  
1 25 identifying the use of all fees retained under this section  
1 26 including the manner in which the fees were distributed. A  
1 27 planning area entering into an agreement pursuant to section  
1 28 455B.306, subsection 2, shall submit such information to the  
1 29 department and a planning area receiving the solid waste under  
1 30 such an agreement shall, in addition, submit evidence to the  
1 31 department demonstrating that required retained fees were  
1 32 returned in a timely manner to other planning areas under the  
1 33 agreement. The return shall be submitted concurrently with  
1 34 the return required under subsection 7.  
1 35 Sec. 4. Section 455B.310, subsection 5, Code 2009, is  
2 1 amended to read as follows:  
2 2 5. Solid waste disposal facilities with special provisions  
2 3 which limit the site to disposal of ~~construction and~~  
~~2 4 demolition waste, landscape waste, coal combustion waste,~~  
~~2 5 cement kiln dust, foundry sand, and solid waste materials~~  
~~2 6 approved by the department for lining or capping, or for~~  
~~2 7 construction berms, dikes, or roads in a sanitary disposal~~  
~~2 8 project or sanitary landfill industrial solid waste are exempt~~  
2 9 from the tonnage fees imposed under this section. However,  
2 10 solid waste disposal facilities under this subsection are  
2 11 subject to the fees imposed pursuant to section 455B.105,  
2 12 subsection 11, paragraph "a". Notwithstanding the provisions  
2 13 of section 455B.105, subsection 11, paragraph "b", the fees  
2 14 collected pursuant to this subsection shall be deposited in  
2 15 the solid waste account as established in section 455E.11,  
2 16 subsection 2, paragraph "a", to be used by the department for  
2 17 the regulation of these solid waste disposal facilities.  
2 18 Solid waste materials approved by the department for lining or  
~~2 19 capping, or for construction of berms, dikes, or roads in a~~

2 20 sanitary disposal project or sanitary landfill are also exempt  
2 21 from the tonnage fees imposed under this section.

2 22 EXPLANATION

2 23 This bill relates to solid waste tonnage fees.

2 24 The bill creates a definition of the term "industrial solid  
2 25 waste" that is the same as the federal definition of the term.

2 26 Currently, solid waste disposal facilities with special

2 27 provisions which limit the site to disposal of construction

2 28 and demolition waste, landscape waste, coal combustion waste,

2 29 cement kiln dust, foundry sand, and solid waste materials

2 30 approved by the department for lining or capping, or for

2 31 construction berms, dikes, or roads in a sanitary disposal

2 32 project or sanitary landfill are exempt from paying tonnage

2 33 fees. The bill strikes this language and allows the exemption

2 34 for solid waste disposal facilities which limit the site to

2 35 the disposal of industrial solid waste. However, the bill

3 1 also provides that solid waste materials approved by the

3 2 department for lining or capping, or for construction of

3 3 berms, dikes, or roads in a sanitary disposal project are also

3 4 exempt from the tonnage fees.

3 5 Currently, only sanitary landfill operators are required to

3 6 pay a tonnage fee to the department of natural resources for

3 7 each ton of solid waste disposed of at the sanitary landfill.

3 8 The bill requires an operator of a transfer station to pay a

3 9 tonnage fee for each ton of solid waste received at the

3 10 transfer station that is ultimately disposed of at a sanitary

3 11 landfill not required to pay a tonnage fee. The bill

3 12 prohibits the tonnage fee from being applied to the same solid

3 13 waste more than once.

3 14 A transfer station failing or refusing to pay the fees

3 15 provided in the bill or file the return required by the bill

3 16 are assessed a penalty of 2 percent of the fee due for each

3 17 month the fee or return is overdue.

3 18 LSB 1260DP 83

3 19 tm/nh/8.1